IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 20634 of 2007(F)

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PETITIONERS:

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1. RAJAN PHILIP,
   S/O MATHUNNI PHILIP, PUTHEN PEEDIKA HOUSE,
   PARAKODE P.O., ADOOR.

2. BABU,
   S/O IDICULLA ISSAC,
   THEVALAPPURATH HOUSE, PARAKODE P.O., ADOOR.

3. O.DANIEL,
   S/O OOMMEN UNNUNNI,
   PEEDIKAYIL HOUSE, PARAKODE P.O.,
   ADOOR.

BY ADV. SRI.KKM.SHERIF
SRI.P.M.KUNJIMOIDEENKUTTY
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SMT.SHEENA SAMUEL

RESPONDENTS:

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ADOOR MUNICIPALITY,
ADOOR, PATHANAMTHITTA DISTRICT,
REPRESENTED BY ITS SECRETARY.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**A.K. Basheer, J.**

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**W.P(C) No. 20634 of 2007**

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**Dated this the 5th day of July, 2007.**

**J U D G M E N T**

Having heard learned counsel for the petitioners and having perused the materials on record, particularly Exts.P4 and P5 notices, I am satisfied that this writ petition can be disposed of without issuing notice to the respondent Municipality.

2. It is seen from Ext.P5 series of notice that petitioners have been directed to vacate the residential premises within 3 days. The notice is dated June 29, 2007. Obviously the time prescribed in the notice has expired. But petitioners have not been evicted so far. Learned counsel submits that petitioners are prepared to approach the statutory appellate authority and challenge the impugned notice. Though petitioners have raised a contention that the notices are ex facie illegal and vitiated, I refrain from making any observation on the above contention. I make it clear that the petitioners can raise all the contentions available to them before the appropriate authority.

3. The writ petition is disposed of with the following directions.

Petitioners shall prefer appeal before the competent statutory authority within 7 days from today, in which event the appeal shall be entertained and disposed of in accordance with law after affording sufficient opportunity to the petitioners and the Municipality to be heard. However in the meanwhile Ext.P5 series of notice shall be kept in abeyance for a period of 10 days from today.

**A.K. Basheer**
**Judge.**

**an.**